

1 WILMER CUTLER PICKERING
2 HALE AND DORR LLP
3 JOHN J. REGAN (Pro Hac Vice)
4 john.regan@wilmerhale.com
5 VINITA FERRERA (Pro Hac Vice)
6 vinita.ferrera@wilmerhale.com
7 CHRISTOPHER NOYES (Pro Hac Vice)
8 christopher.noyes@wilmerhale.com
9 60 State Street
10 Boston, MA 02109
11 Telephone: (617) 526-6000
12 Facsimile: (617) 526-5000
13
14 COOLEY GODWARD LLP
15 THOMAS J. FRIEL, JR. (80065)
16 tfriel@cooley.com
17 BRIAN MITCHELL (190095)
18 bmitchell@cooley.com
19 One Maritime Plaza
20 20th Floor
21 San Francisco, CA 94111-3580
22 Telephone: (415) 693-2000
23 Facsimile: (415) 951-3699

TERRY D. GARNETT (151212)
terrygarnett@paulhastings.com
PETER J. WIED (198475)
peterwied@paulhastings.com
JAY C. CHIU (205385)
jaychiu@paulhastings.com
PAUL, HASTINGS, JANOFSKY
& WALKER LLP
515 South Flower Street
Twenty-Fifth Floor
Los Angeles, CA 90071-2228
Telephone: (213) 683-6000
Facsimile: (213) 627-0705

Attorneys for Defendants
Foxconn Electronics, Inc., Foxconn Technology
Co., Ltd., and Hon Hai Precision Industry Co.
Ltd.

13 Attorneys for Plaintiffs
14 ATS Automation Tooling Systems, Inc. and
Thermal Form & Function, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

18 ATS Automation Tooling Systems, Inc. and Thermal Form & Function, LLC,

Plaintiffs,

V.

21 Foxconn Electronics, Inc., Foxconn
22 Technology Co., Ltd., Hon Hai Precision
Industry Co. Ltd., and DOES 2 through 10

Defendants.

Case No. C03-2648 PJH

STIPULATED DISMISSAL

1 WHEREAS Thermal Form & Function, LLC (“TF&F”) and ATS Automation Tooling
2 Systems, Inc. (“ATS”) (collectively “Plaintiffs”), and Foxconn Electronics, Inc., Foxconn
3 Technology Co. Ltd., and Hon Hai Precision Industry Co., Ltd. (collectively “Foxconn”), as
4 indicated by the signatures of counsel appearing below, have agreed to the dismissal of this action
5 pursuant to Rule 41 of the Federal Rules of Civil Procedure but subject to the terms of this Order
6 and a Confidential Settlement Agreement and Release of Claims (“Settlement Agreement”) dated
7 August 31, 2005.

8 NOW, THEREFORE, it is ordered as follows:

9 1. The claims by TF&F are hereby dismissed with prejudice to the extent indicated in the
10 Settlement Agreement; and

11 2. The claims by ATS are hereby dismissed with prejudice; and

12 3. The counterclaims by Foxconn are hereby dismissed with prejudice to the extent
13 indicated in the Settlement Agreement; and

14 4. Each party shall bear its own costs and attorneys fees; and

15 5. After October 17, 2005, but no later than November 1, 2005, the Court shall vacate
16 this dismissal, upon the representation by any party that the consideration in the Settlement
17 Agreement has not been paid as required; and

18 //

19 //

20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28 //

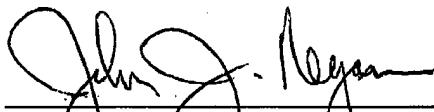
1 6. Notwithstanding this Stipulated Dismissal, Foxconn reserves the right to assert any
2 and all claims or defenses of noninfringement and invalidity with respect to U.S. Patent No.
3 5,494,098 in any future legal proceeding or action, including, without limitation, in any
4 subsequent action brought by TF&F or its licensee(s).

5 **STIPULATED AND AGREED**

6 Dated: August 31, 2005

7 ATS AUTOMATION TOOLING
8 SYSTEMS, INC. and
9 THERMAL FORM & FUNCTION, LLC

10 By their attorneys



11

COOLEY GODWARD LLP

12 Thomas J. Friel, Jr. (80065)

13 Brian Mitchell (190095)

14 WILMER CUTLER PICKERING
15 HALE AND DORR LLP

16 John J. Regan (Pro Hac Vice)

17 Vinita Ferrera (Pro Hac Vice)

18 Christopher R. Noyes (Pro Hac Vice)

19 FOXCONN ELECTRONICS, INC.,
20 FOXCONN TECHNOLOGY CO., LTD., and
21 HON HAI PRECISION INDUSTRY CO. LTD.

22 By their attorneys



23

PAUL, HASTINGS, JANOFSKY & WALKER
24 LLP

25 Terry D. Garnett (151212)

26 Peter J. Wied (198475)

27 Jay C. Chiu (205385)

28 **IT IS SO ORDERED.**

29 Dated: August 31, 2005



30

United States District Judge